

REMARKS

Claims 1-25 and 52-67 are pending in this application. For purposes of expedition, claims 1, 2, 52 and 67 have been amended in several particulars for purposes of clarity and brevity that are unrelated to patentability and prior art rejections in accordance with current Office policy, to further define Applicants' disclosed invention and to assist the Examiner to expedite compact prosecution of the instant application. Accordingly, entry of the foregoing amendments is proper under 37 C.F.R. §1.116(b) because those amendments simply respond to the issues raised in the final rejection, no new issues are raised, no further search is required, and the foregoing amendments are believed to remove the basis of the outstanding rejections and to place all claims in condition for allowance. The foregoing amendments, or explanations, could not have been made earlier because these issues had not previously been raised.

Claim 52 stands rejected under 35 U.S.C. §102(e) as being anticipated by Adams, U.S. Patent Application Publication No. 2002/0124100 for reasons stated on pages 2-3 of the Office Action (Paper No. 20060423). In support of this rejection, the Examiner cites page 2, paragraph 11 of Adams for allegedly disclosing "an apparatus and method for fast efficient access to and delivery of multimedia information", and asserts that Adams '100 discloses a data storage unit in the form of web servers for storing and reading data.

However, the Examiner's assertions are factually incorrect. Adams '100 only discloses techniques used to enhance the speed of delivery of web content from a website 10 (web servers), as shown in FIG. 1, to users at traditional remote terminals 50 using a browser. The apparatus and method for fast efficient access to and delivery of multimedia information as alleged by the Examiner refers to the web server hardware, and not Applicants' claimed "content reproducing apparatus". More importantly, the web servers as alleged by the Examiner do not correspond to Applicants' claimed "data storage unit" because those web servers are stand-alone devices, and are not included in a content reproducing apparatus in the manner defined in Applicants' base claim 52.

Nevertheless, in the interest of expedition, base claim 52 has been amended to clearly define an information storage medium for use in an interactive digital content reproducing apparatus, comprising: (1) audio/video (AV) data; and (2) a markup document which reproduces the AV data in an interactive manner, the markup document comprising a command program

which, when the information storage medium is inserted into the content reproducing apparatus, is performed by the content reproducing apparatus to control a data storage unit included in the content reproducing apparatus, such that transferring of information and sharing of system parameters related to AV data reproduction between different markup documents are enabled in the content reproducing apparatus.

As previously discussed, Adams '100 simply discloses techniques to enhance the speed of delivery of web content from a website 10, as shown in FIG. 1, to users at remote terminals 50 using a browser. There is no disclosure of any digital content reproducing apparatus (i.e., DVD player) or its information storage medium (i.e., DVD) which stores AV data and a markup document including a command program which enables the digital content reproducing apparatus to control an internal data storage unit based on a command program, such that transferring of information and sharing of system parameters related to AV data reproduction between different markup documents are enabled in the content reproducing apparatus, as defined in Applicants' base claim 52.

In view of these reasons and the amendments to claim 52, Applicants respectfully request that the rejection of base claim 52 under 35 U.S.C. §102(e) be withdrawn.

Lastly, claims 1-26 and 53-67 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Adams, U.S. Patent Application Publication No. 2002/0124100, and further in view of Wagner, U.S. Patent No. 6,085,224. Notwithstanding the reasons discussed above, Applicants submit that features of claims 1-26 and 53-67 are not disclosed or suggested by Adams '100 and Wagner '224, whether taken individually or in combination with any other references of record. Therefore, Applicants traverse the rejection of claims 1-26 and 53-67, and respectfully request the Examiner to reconsider and withdraw this rejection for the following reasons.

As previously discussed, Adams '100, as a primary reference, only discloses techniques to enhance the speed of delivery of web content from a website 10 (i.e., web servers), as shown in FIG. 1, to users at remote terminals 50 using a browser (i.e., host computers). Adams '100 does not disclose or suggest any content reproducing apparatus (such as, for example, DVD player) in which a data storage unit is included and a presentation engine is utilized control the data storage unit in accordance with a command program included in an input markup program, nor does Adams '100 disclose any information storage medium for use in such an interactive digital content reproducing apparatus, comprising: (1) audio/video (AV) data; and (2) a markup

document which reproduces the AV data in an interactive manner, the markup document comprising a command program which, when the information storage medium is inserted into the content reproducing apparatus, is performed by the content reproducing apparatus to control a data storage unit included in the content reproducing apparatus, such that transferring of information and sharing of system parameters related to AV data reproduction between different markup documents are enabled in the content reproducing apparatus, as defined in each of Applicants' base claims 1, 52 and 67.

Nevertheless, the Examiner cites web servers of Adams '100 as Applicants' claimed "data storage unit". As previously discussed, the Examiner's citation is misplaced. Web servers are stand-alone devices connected to a network. Applicants' claimed "data storage unit" is included as part of a content reproducing apparatus.

On page 16 of the Office Action (Paper No. 20060423), the Examiner states that "the cited passages of Adams explicitly teach an interactive content reproducing apparatus." However, no passage from Adams '100 is cited. Moreover, techniques used to enhance the speed of delivery of web content from a website ... to users at remote terminals 50 using a browser, do not constitute Applicants' claimed "content reproducing apparatus" as alleged by the Examiner. A claim term should always be interpreted in view of its plain and ordinary meaning, after reading the claim term not only in the context of the particular claim, but also in the context of the entire patent, including the specification and prosecution history. Even without resorting to the specification, Applicants' claimed "content reproducing apparatus" refers to a reproducing apparatus used to reproduce a digital content. One example of such a "content reproducing apparatus" is, but not limited to, a DVD player. There is no need to define such a "content reproducing apparatus" as a DVD player as mistakenly believed by the Examiner.

Returning now to the substance of the rejection, Applicants respectfully submit that the noted deficiencies of Adams '100 cannot be remedy to arrive at Applicants' base claims 1, 52 and 67. For example, as a secondary reference, Wagner '224 does not remedy the noted deficiencies of Adams '100 in order to arrive at Applicants' base claims 1, 52 and 67 or Applicants' claims 2-51 and 53-67. This is because Wagner '224 only discloses the use of a software program, as shown in FIG. 1, which can be incorporated into a browser at a user terminal to detects programs or cookie commands embedded within a data-stream received from another computer, and to notify the user of the interpretative language program or cookie command so that the user can be made aware that a remote server is sending interpretative

programs or cookie commands. Such a notification feature is incorporated without modifying the browser program. Again, like Adams '100, Wagner '224 does not disclose any interactive digital content reproducing apparatus (e.g., DVD player) in which a presentation engine is utilized control a data storage unit in accordance with a command program included in an input markup program. Like Adams '100, Wagner '224 does not disclose or suggest key features of claims 2-51 and 53-67. For example:

Claim 4 further defines that, according to the command program, the presentation engine [included in a content reproducing apparatus] generates cookie information comprising predetermined target information and stores the cookie information in the data storage unit [included in the content reproducing apparatus]. Neither Adams '100 nor Wagner '224 discloses a content reproducing apparatus provided with these features.

Claim 5 further defines that the data storage unit comprises a non-volatile data storage portion and a volatile data storage portion, where according to cookie storage attribute information in the command program, the presentation engine stores the cookie information in one of the non-volatile data storage portion and the volatile data storage portion. Again, neither Adams '100 nor Wagner '224 discloses a content reproducing apparatus provided with the different sections of an internal data storage unit.

Claim 6 further defines that the presentation engine incorporates content identification information into the cookie information and stores the cookie information in the data storage unit. Again, neither Adams '100 nor Wagner '224 discloses a content reproducing apparatus provided with the cookie information as defined in claim 6.

Claim 7 further defines that the presentation engine searches the data storage unit for the cookie information with the same content identification information as input content identification information and reads the cookie information. Again, neither Adams '100 nor Wagner '224 discloses a content reproducing apparatus provided the use of such cookie information.

Claim 11 further defines that the command program comprises a cookie reference command program, where according to the cookie reference command program, the presentation engine searches the data storage unit for at least one cookie information item, and extracts the predetermined target information from the at least one cookie information item. Again, neither Adams '100 nor Wagner '224 discloses a content reproducing apparatus provided the use of such cookie reference command program.

Claim 12 further defines that the command program comprises a cookie deletion command program, where according to the cookie deletion command program, the presentation engine searches the data storage unit for at least one cookie information item and deletes corresponding cookie information. Again, neither Adams '100 nor Wagner '224 discloses a content reproducing apparatus provided the use of such cookie deletion command program.

Claim 13 further defines that the cookie information comprises at least first information defining a content reproducing apparatus using the cookie information, and second information indicating a path of a markup document using the target information, and the target information comprises a name identifying the target information and a value of the target information. Again, neither Adams '100 nor Wagner '224 discloses a content reproducing apparatus provided the use of such cookie information along with target information.

Claim 14 further defines that the cookie information comprises at least first information defining a content reproducing apparatus using the cookie information, and second information indicating a path of a markup document using the target information, and the target information comprises a name identifying the target information and a value of the target information. Again, neither Adams '100 nor Wagner '224 discloses a content reproducing apparatus provided the use of such cookie information along with target information.

Claim 15 further defines that the cookie information comprises at least first information defining a content reproducing apparatus using the cookie information, and second information indicating a path of a markup document using the target information, and the target information comprises a name identifying the target information and a value of the target information. Again, neither Adams '100 nor Wagner '224 discloses a content reproducing apparatus provided the use of such cookie information with reference to target information path.

Claims 16-21 further define that the cookie information comprises at least first information defining a content reproducing apparatus using the cookie information, and second information indicating a path of a markup document using the target information, and the target information comprises a name identifying the target information and a value of the target information. Again, neither Adams '100 nor Wagner '224 discloses a content reproducing apparatus provided the use of such cookie information along with target information path.

Claim 23 further defines that, if cookie information having the same first information and second information, and the same name to identify the target information as the cookie information generated according to the cookie generation command program exists in the data storage unit, the presentation engine overwrites the cookie information in the data storage unit

with the generated cookie information. Again, neither Adams '100 nor Wagner '224 discloses a content reproducing apparatus provided the use of such cookie information along with target information.

As the Examiner can appreciate, in order to establish a *prima facie* case of obviousness under 35 U.S.C. §103, the prior art reference (or references when combined) must teach or suggest all the claim limitations; and that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, provided with a reasonable expectation of success, in order to arrive at the Applicants' claimed invention. The requisite motivation must stem from some teaching or suggestion to make the claimed combination must be found in the prior art, and **not** based on Applicants' disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 2143. In other words, all the claim limitations must be disclosed or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Moreover, "obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination." ACS Hospital System, Inc v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). The Examiner must point to something in the prior art that suggests in some way a modification of a particular reference or a combination of references in order to arrive at Applicants' claimed invention. Absent such a showing, the Examiner has improperly used Applicants' disclosure as an instruction book on how to reconstruct to the prior art to arrive at Applicants' claimed invention. Furthermore, any deficiencies in the cited references cannot be remedied with conclusions about what is "basic knowledge" or "common knowledge". See In re Lee, 61 USPQ 2d 1430 (Fed. Cir. 2002).

In view of these noted deficiencies and reasons discussed, Applicants respectfully request that there is no a *prima facie* case of obviousness under 35 U.S.C. §103, and that the rejection of claims 2-51 and 53-67 be withdrawn.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney at the Washington DC office at (202) 216-9505 ext. 232. Applicants respectfully reserve all rights to file subsequent related application(s) (including reissue applications) directed to any or all previously claimed limitations/features which have been amended or canceled, or to any or all

limitations/features not yet claimed, i.e., Applicants have no intention or desire to dedicate or surrender any limitations/features of the disclosed invention to the public.

INTERVIEW:

In the interest of expediting prosecution of the present application, Applicants respectfully request that an Examiner interview be scheduled and conducted. In accordance with such interview request, Applicants respectfully request that the Examiner, after review of the present Amendment, contact the undersigned local Washington, D.C. attorney at the local Washington, D.C. telephone number (202) 216-9505 ext. 232 for scheduling an Examiner interview, or alternatively, refrain from issuing a further action in the above-identified application as the undersigned attorneys will be telephoning the Examiner shortly after the filing date of this Amendment in order to schedule an Examiner interview. Applicants thank the Examiner in advance for such considerations. In the event that this Amendment, in and of itself, is sufficient to place the application in condition for allowance, no Examiner interview may be necessary.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

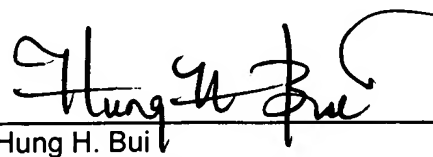
Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: _____

8/3/06

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